Calendar No. 368

89TH CONGRESS
1st Session

SENATE

REPORT
No. 381

PROVIDING FOR THE DISTRICT OF COLUMBIA AN ELECTED MAYOR, DISTRICT COUNCIL, BOARD OF EDUCATION, AND NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES

JUNE 29, 1965.—Ordered to be printed

Mr. BIBLE, from the Committee on the District of Columbia, submitted the following

REPORT

together with

SUPPLEMENTAL VIEWS

[To accompany S. 1118]

The Committee on the District of Columbia, to whom was referred the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, after full consideration, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert new language as a substitute.

Amend the title to read as follows:

A bill to provide for the District of Columbia an elected mayor, city council, board of education, and nonvoting Delegate to the House of Representatives, and for other purposes.

PURPOSE OF THE BILL

The purpose of S. 1118, submitted to Congress by President Johnson, is to enact a District of Columbia Charter Act and thereby restore to the citizens of the District of Columbia some measure of self-government.

Under the provisions of S. 1118, as amended, the District is required to conduct a referendum, within 4 months after the bill's enactment, to determine whether the registered qualified voters of the District of Columbia accept the District of Columbia Charter Act. If approved by the qualified voters of the District, the Charter Act would—

35-010—65——1

(1) Create a representative local government for the District that would include the office of mayor, a District Council and a Board of Education, all elected by the people;

(2) Provide a link between the Congress and the local government in the form of an elected, nonvoting District of Columbia Delegate to the House of Representatives, and

(3) Preserve intact the powers of the Congress and the President by—

(*a*) An express provision that the Congress is in no way deprived of its power to legislate for the District, and may repeal or modify any act of the local council;

(*b*) A provision for a veto by the President of any act of the local council where such act adversely affects a Federal interest, and

(*c*) Provision for supervision of the fiscal affairs of the District by the General Accounting Office.

President Johnson, in transmitting the proposed Charter Act to the Congress, stated in pertinent part:

> The restoration of home rule to the citizens of the District of Columbia must no longer be delayed.
>
> Our Federal, State, and local governments rest on the principle of democratic representation—the people elect those who govern them. We cherish the credo declared by our forefathers: No taxation without representation. We know full well that men and women give the most of themselves when they are permitted to attack problems which directly affect them.
>
> Yet the citizens of the District of Columbia, at the very seat of the Government created by our Constitution, have no vote in the government of their city. They are taxed without representation. They are asked to assume the responsibilities of citizenship while denied one of its basic rights. No major capital in the free world is in a comparable condition of disenfranchisement.
>
> The denial of home rule to the District creates serious practical difficulties. The District is the 9th largest city in the United States—more populous than 11 of the States. Its government must handle the same problems which press with increasing urgency on the legislative, executive, and judicial arms of city governments throughout the Nation, and it must perform as well many of the functions of State and county governments. Under the present system these duties fall upon busy Members of the Senate and the House who—in addition to their congressional responsibilities—must serve as State representatives, county supervisors, and city councilmen for Washington.
>
> Self-government for the District would not be an innovation. It is a return to the views of the Founding Fathers and to the practice of the early days of the Nation. James Madison wrote in the Federalist that the inhabitants of the Nation's Capital "* * * will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, de-

rived from their own suffrages, will of course be allowed them; * * *."

Such a "municipal legislature" was established in 1802 under President Jefferson. It was strengthened in 1812 under President Madison, and in 1820, under President Monroe, it was enlarged to include an elected mayor.

HISTORY OF LEGISLATION

Two legislative measures were considered by the committee on the subject of home rule for the District of Columbia. These included two bills—S. 1118, submitted to Congress by President Johnson; and S. 268, sponsored by Senator Morse. Public hearings were held by the committee in connection with the two measures on March 9–10, 1965, at which testimony was received from 17 witnesses. In addition, written statements and communications were received from more than 35 other persons or organizations.

The bill, as amended, was supported by a unanimous vote of every member of the committee when it was ordered to be reported to the Senate by the committee on June 16, 1965.

The committee in reporting S. 1118 to the Senate made several clarifying and conforming amendments, as well as several that were substantive in nature. The various amendments adopted by the committee are discussed in detail in a summary of the bill by title later in this report.

S. 1118, as amended, embodies many of the provisions of S. 268. The latter bill represents the product of many years of continuing study by this committee directed toward formulating some workable form of local self-government for the people of the District of Columbia.

Legislation to provide some form of local government for the District of Columbia was initiated with the introduction of H.R. 3545 of the 43d Congress of June 1, 1874. Since that time through the 89th Congress, more than 40 home rule bills have been placed before biennial sessions of the Congress. The Senate on five separate occasions in the 81st, 82d, 84th, 85th, and 86th Congresses, enacted self-government legislation. However, all of these bills failed of enactment in the House.

The first government of the city of Washington consisted of a mayor, appointed by the President; and a city council, elected by the people of the city. This was in 1802. In 1812, the City Council was permitted to elect the mayor of Washington, and in 1820 and thereafter, the mayor was elected by the people. This government continued until 1871.

By an act of Congress, February 21, 1871, the corporations of Washington and of Georgetown were abolished and a territorial form of government, consisting of a governor and board of public works, and a legislative assembly, was set up. The legislative assembly consisted of a council of 11 members, and a house of delegates of 22 members. The Governor, the Board of Public Works, and the Council were appointed by the President. The 22 members of the House of Delegates were elected by the people. The District of Columbia had a Delegate in the House of Representatives until 1875.

This form of government lasted 3 years, or until June 20, 1874, when Congress provided that the District of Columbia should be

governed by three Commissioners, appointed by the President. This was known as a temporary form of government, and lasted until July 1, 1878, when the present permanent commission government was set up. In the creation of the temporary commission form of government in 1874, and the permanent form in 1878, no provision was made for the franchise and so, for the first time in three-quarters of a century, no part of the District exercised the right of suffrage.

In 1878, the expense of the Federal City was borne jointly by the District and the United States, on a 50–50 basis. In 1922, this was changed to a 60–40 ratio, and in 1938 the share of the United States was changed by statute to a lump sum, which today is approximately 13 percent of the general fund.

S. 1118, as amended, would convey in some large measure permissible municipal home rule to the residents of the National Capital, thus restoring the powers of local self-government suspended in 1874. This grant is a delegation of the powers of the Congress contained in article I, section 8, clause 17, of the Constitution of the United States, which pertains only to those matters municipal as distinguished from those national in scope. Such constitutional provision states:

> *Congress shall have power* * * * To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, * * *.

The delegation of permissible home rule to the residents of the District is given with the express reservation that the Congress may at any time revoke or modify the delegation in whole or in part, and further, that the Congress may take such action as, in its wisdom, it deems desirable with respect to any municipal action taken by the people or the government of the municipality under the authority of the charter. The Congress would continue to initiate local legislation should it so desire. Thus, the Congress, under the terms of this bill, retains full residual, ultimate and exclusive legislative jurisdiction over the District in conformity with the constitutional mandate. In addition, the bill makes provision for a veto by the President of any act of the local government where such act adversely affects a Federal interest.

STRUCTURE OF GOVERNMENT

The bill would establish the District of Columbia as a body politic and corporate in perpetuity which would be the successor of the present commission form of government. Provision is made for an elected mayor and an elected nineteen member District Council, five of whom are to be elected at large, to exercise the municipal authorities conveyed to the District. Also, a nonpartisan elected school board of 14 members is provided. The mayor and council would take over the functions of the present Board of Commissioners which would be abolished. The District Council would be endowed with local legislative power, including taxing and borrowing power, subject to certain enumerated restrictions and to the overriding power of Congress to repeal, amend, or initiate local legislation and to modify or revoke the charter itself. This endowment of local power to a council and mayor would relieve the Congress of the detail of District affairs, as has been done in the case of the Territories. The bill also gives

legislative power to the qualified voters by initiative. However, there is provision for a Presidential veto where legislation enacted through the initiative, adversely affects the Federal interest.

In addition, the office of a nonvoting elected Delegate to the House of Representatives is incorporated in the bill in order that the Congress may be kept currently informed as to the needs of the District which cannot be met through the local instrumentalities. His duties, powers, and privileges are those accorded a Delegate from a Territory.

The bill provides authority for a regular annual payment by the Federal Government to the District of Columbia, to be computed by means of a flexible formula which the committee believes will more fairly represent the Federal Government's fiscal responsibility to the government of the District, in lieu of a lump-sum Federal payment as is presently authorized.

It is the committee's view that a formula method would result in a better basis for measuring the Federal responsibility to the Nation's Capital because it provides a built-in incentive to utilize local taxes to meet local needs. Local residents, at the same time, are assured that the Federal Government will automatically recognize its obligation to provide additional revenues needed to meet legitimate increased expenditure requirements.

The formula contained in this bill provides for the computation of a permanent, indefinite Federal payment appropriation (not merely an authorization) to be paid to the District each year based on the computations under the formula without further legislative action by the Congress. The committee felt that only through such an automatic payment method could the District be assured of a proper measure of independence to govern its own affairs.

The committee, in favorably reporting this legislation, requests that the Congress receive periodic reports from the local government in order that it can be kept completely informed about the activities of the new municipal government, including its legislative program. Such reports should be made by the mayor and the council to the Committees on the District of Columbia of the Senate and the House of Representatives.

Title I—Definitions

Contains definitions of principal terms used in the bill.

Title II—Status

Provides the District shall remain and continue a body corporate, and said corporation shall continue to be charged with all the duties, obligations, responsibilities, and to be vested with all the powers, rights, privileges, immunities, and assets imposed upon and vested in said corporation, the Board of Commissioners of the District of Columbia.

All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia, and the boundary line between the District of Columbia and the Commonwealth of Virginia remains unchanged.

Title III—The District Council

S. 1118 originally provided for a District Council of 15 members. The committee amended the bill so as to provide for a 19-member

council, 5 of whom would be elected at large and the other 14 elected, 1 from each of 14 wards. The committee amendment also increases from 2 years to 4 years the term of office for District councilmen. In so doing, the committee provided for the terms of the councilmen to be staggered. Such would be accomplished by electing 7 of the 14 ward councilmen for a period of 2 years in the initial election following acceptance of the charter by the District voters. The committee, in adopting this amendment was of the view that it would secure for a part of the Council the broader basis of citywide representation and greater sensitivity to problems of the city as a whole that at-large Council members offer, and to assure minority party representation on the Council as provided in section 805(a)(2) hereafter detailed. In increasing the term of office to 4 years, the committee felt such term would lessen the time required for candidates to campaign for office and thereby permit the councilmen to devote more time to the duties of the elected office.

The qualifications for membership on the Council are set forth as follows: (1) A qualified voter; (2) is domiciled in the District and resides in the ward from which he is nominated; (3) has, during the 3 years next preceding his nomination, resided and be domiciled in the District; (4) has for 1 year preceding his nomination resided and been domiciled in the ward from which he is nominated; (5) holds no other elective public office; (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

The compensation for such members is fixed at $10,000 per annum for the Chairman and $9,000 for members.

The bill provides for election from its members of a Chairman and a Vice Chairman of the Council, the appointment of a secretary as its chief administrative officer with duties as specified in the bill, and such assistants and clerical personnel as may be necessary, the calling of the first and regular meetings, the establishment of committees, the scope and form of acts and resolutions, the procedure for the adoption and passage of zoning acts, and the enactment of general legislation. The procedures relating to the veto powers of the mayor and the President are also defined.

The Council is empowered to conduct investigations and to issue and enforce subpenas.

The qualified voters and the Council are prohibited from passing any act inconsistent with or contrary to any provision of any act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission.

The bill makes explicit the constitutional power of Congress to legislate at any time with respect to the District of Columbia.

The powers of the present Board of Commissioners are transferred to the Council, except those conferred on the mayor, and the Board of Commissioners are abolished.

The Zoning Commission, the Public Service Commission, the Recreation Board, the Board of Zoning Adjustment, and Zoning Advisory Council are abolished and their functions transferred to the

Council. Powers of the Council and the qualified electors, and the limitations on those powers are spelled out. The Commission on Mental Health, the National Zoological Park, the Washington aqueduct, the National Guard of the District of Columbia, or any Federal agency are specifically excluded from the authority of the District government.

Jurisdiction over the municipal courts shall vest with the Council. Any person to be appointed or elected after the date of enactment of this act shall hold office for a term of not less than 10 years and receive a salary of not less than the amount payable to an associate judge of the municipal court on the effective date of this act.

The committee amended section 324 of the bill by adding a new subsection. The amendment makes certain that nothing in section 324 is to be construed as barring the Council from vesting in the District of Columbia Court of Appeals certain powers to review administrative decisions of the District government regarding licenses, their issuance and their revocation.

TITLE IV—MAYOR

Creates the office of mayor to be elected as provided in title VIII. The qualifications for holding the office of mayor are as follows: (1) A qualified voter; (2) is domiciled and resides in the District; (3) has during the 3 years next preceding his nomination been resident in and domiciled in the District; (4) holds no other elective public office; and (5) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds; and (6) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. The mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

His salary is to be $27,500 annually, with an allowance for official expenses of not more than $2,500 annually. The executive power of the District shall be vested in the mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control. The bill confers on him usual administrative powers and duties, including the power to appoint personnel in the executive branch of the city government and to remove such personnel in accordance with applicable laws and regulations. The mayor would have full authority to execute the powers and duties imposed upon him by law, including the authority to redelegate functions to subordinate officials as he deems necessary. The mayor shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable. The mayor is empowered to veto acts of the Council; but such acts may be passed over his veto by a vote of two-thirds of the members of the Council.

The committee amended section 402 of the bill so as to provide a city administrator as principal managerial aid of the mayor to perform duties assigned to him by the mayor.

The committee was of the view that a city administrator would in some measure free the mayor from a large part of the day-to-day administrative routine so that he might better perform the more

important policymaking and political functions of the executive office, as well as carry out his ceremonial duties. The administrator would be appointed, and subject to removal, by the mayor.

Also, under the bill, as amended, the mayor administers the personnel functions of the District covering employees of District departments and agencies.

Under the provisions of S. 1118, as introduced, subsection (4) of section 402 provides in pertinent part that personnel legislation (relating to promotions, pay, retirement benefits, etc.) enacted by Congress prior to or after the effective date of this section shall continue to be applicable until such time as the Council shall provide similar or comparable coverage under a District government merit system or systems.

The committee in adopting this amendment was of the view that it would help to preserve all employee benefits, rights and investments in their current system of employment and carry these benefits, rights and investments over in full to the new merit system which the District government is authorized to establish under home rule.

Also, other minor amendments were made to the wording of the subsection so as (1) to assure government employees, including police and firemen, the retention of employee benefits issued by regulation pursuant to congressional legislation; and (2) to preserve an employee's rights, during the transition to a new employment system, to appeal a separation from service.

Title V—The District Budget

The fiscal year of the District of Columbia is fixed by the bill, and the preparation and adoption of the budget is provided for. The Council is empowered to rescind previously appropriated funds then available for expenditure, or to appropriate additional funds.

Title VI—Borrowing

The District is authorized to incur indebtedness by issuing its bonds in either coupon or registered form to fund or refund indebtedness of the District at any time outstanding and to pay the cost of constructing or acquiring any capital projects requiring an expenditure greater than the amount of taxes or other revenues allowed for such capital projects by the annual budget, with a restriction that the aggregate debt, including debt owed to the Treasury of the United States, is not to exceed 12 percent of the average assessed value of the taxable real and tangible personal property of the District as of the 1st day of July of the 10 most recent fiscal years for which such assessed values are available. The assessed values of the property involved includes in accordance with section 741, real and personal property tax loss incident to United States owning real and personal property in the District for the purpose of providing Federal governmental services or functions. The bill provides that new debt would have to be approved by the voters except that, within the 12-percent limitation, debt up to 2 percent (in the aggregate) of the assessed valuation of taxable real and personal property could be authorized by the Council without approval of the voters. Only bonds on self-liquidating capital projects and those issued for the construction of highways, transit systems, water and sanitary sewers and the like

may exceed 6 percent of such average assessed value. All others are restricted to a 6-percent limitation. The Council shall make provision for the payment of any bonds issued pursuant to this title, and the bill sets forth the provisions which must be contained in an act authorizing the issuing of bonds.

The Council is authorized to issue supplemental notes in a total amount not to exceed 5 percent of the total appropriations for the current fiscal year if there are no appropriated funds available to meet supplemental appropriations. Such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective. Short-term notes may be issued in anticipation of revenues in an amount not to exceed 20 percent of the total anticipated revenue for the current fiscal year.

Bond acts of the District shall, where necessary, provide for the levy annually of a special tax without limitation of rate or amount upon all taxable real and personal tangible property in the District in amounts, which, together with other revenues of the District available and applicable for such purposes, will be sufficient to pay principal and interest as these fall due. In addition, the full faith and credit of the District for the payment of the principal and interest on all bonds and notes is pledged.

Bonds and notes issued by the Council and the interest thereon would be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

The bill would permit national banks, Federal building and loan associations, and Federal savings and loan associations and banks, trust companies, building and loan associations, and savings and loan associations domiciled in the District of Columbia, to underwrite and trade in public bonds or notes of the District issued pursuant to this title.

Fiduciaries are not excused from the exercise of due care when investing in District obligations.

Title VII—Financial Affairs of the District

This title provides for the bonding of employees of the District, and the mayor is charged with the administration of the financial affairs of the District. He must prepare and submit the annual budget estimates and budget message; supervise and be responsible for all financial transactions; maintain systems of accounting and internal control; submit to the Council a monthly financial statement, by appropriation and department; prepare at the end of each fiscal year a complete financial statement; supervise and be responsible for the assessment of all property subject to assessment within the District; supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues; have custody over all public funds belonging to or under the control of the District; and have custody of all investments and invested funds for the District.

The Council may provide for the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and the allocation to new items of funds appropriated for contingent expenditure.

The bill provides for an independent audit by the General Accounting Office. Such audit reports as the Comptroller General deems necessary shall be submitted to the Congress, the mayor, and the Council. The mayor, with the advice and consent of the Council, and the Director of the Bureau of the Budget are given power to enter into agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

THE FEDERAL PAYMENT

The formula for a Federal payment to the District of Columbia established by this bill would be an amount equal to the sum of—

(1) The real estate taxes the District would receive if property owned and used by the Federal Government and property exempted by special act of Congress, were taxable;

(2) The personal property taxes it would receive if tangible federally owned personal property, with certain exclusions, were taxable; and

(3) The business income and related taxes which it could reasonably expect to receive if the Federal Government were a private business with an equivalent number of employees.

The Federal payment would be subject to certification by the Administrator of General Services that payment is based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the specified factors incorporated in the formula.

Under the formula proposal, it is estimated that the Federal payment to the District would be $57 million for fiscal year 1966, with a projected increase to $71.2 million by 1970. This is contrasted with the present annual Federal payment authorization of $50 million.

The committee was of the opinion that the present system of legislating from time to time a new authorization ceiling toward which the appropriations grow from year to year would be neither adequate nor appropriate to the needs of an otherwise independent local government.

It was the committee's judgment that as time passed, a fixed amount would tend to become unreasonably small. The Federal Government's relation to the local economy changes. The city's needs change. The purchasing power of the dollar changes. It was the committee's belief that the relationships once deemed appropriate in establishing the lump-sum authorization no longer reflect the realities of the situation.

A formula method of measuring the Federal responsibility to the District tends to overcome these shortcomings of the lump-sum method and at the same time facilitates long-term fiscal planning. The Federal payment to the District would vary with changes in the size of the Federal establishment within the District and with changes in local taxes.

The committee believes that a formula method would result in a better basis for measuring the Federal responsibility to the Nation's Capital because it would provide a built-in incentive to utilize local taxes to meet local needs. Local residents, at the same time, would be assured that the Federal Government will automatically recognize its obligation to provide additional revenues needed to meet legitimate increased expenditure requirements.

The formula contained in this bill provides for the computation of a permanent, indefinite Federal payment appropriation (not merely an authorization) to be paid to the District each year based on the computations under the formula without further legislative action by the Congress. The committee felt that only through such an automatic payment method could the District be assured of a proper measure of independence to govern its own affairs.

In forwarding Federal payment formula legislation to the Congress in April 1965, President Johnson stated that enactment of such legislation—

> is essential to the proper assignment between the Federal Government and the local citizens of the responsibility of providing the necessary funds.

The committee concurs wholeheartedly in this view and believes that the proposed legislation will provide an orderly basis for determining each year the appropriate level of Federal contribution to the District. The formula method of computation provides considerable flexibility in arriving at the authorized Federal payment. Equally important, it relates more directly the District's needs and local resources. The proposed formula provides a standard for Federal payments to the District which, in the judgment of the committee, is fair to all parties concerned.

One question frequently raised in discussions of the payment formula proposal is whether its enactment would establish a precedent for payments in lieu of taxes in other jurisdictions in which the Federal Government owns property. There are many reasons why this would not be the case.

The Federal Government has unique responsibilities for the financial well-being of the Nation's Capital. For more than 75 years Congress has recognized that responsibility by appropriating a share of the funds needed for the operation of the government of the District.

Moreover, the Federal Government plays a larger part in the planning and development of the District of Columbia than it does anywhere else in the Nation. The location and types of buildings in certain areas are almost solely dependent upon approval by the Federal Government.

The Federal Government, through condemnation, if necessary, determines where its own numerous buildings and activities will be located. There are other restrictions, including limitation on the height of all buildings within the District. All this obviously places serious limitations on the development of industry and businesses in a city essentially geared to the functioning of the headquarters of the Federal Government. Such restrictions caused by the presence of Federal activities are not nearly so far reaching in any other city in the Nation.

Hence, the issue is not in any sense whether the Federal Government should contribute to the expense of government in the District, but only what measure can best be used to determine its fair share of the District's financial needs.

Questions were raised at the committee hearings at to whether the Federal payment authorization-appropriation is an unconstitutional delegation of taxing powers vested in the U.S. Government within the District of Columbia and/or an unconstitutional delegation of appropriation procedures of the Congress of the United States.

The Department of Justice concluded in a letter and memorandum set forth fully on pages 125 through 130 and pages 268 through 272 of the committee hearings, that the Federal payment provision (sec. 741)—

> does not authorize the District of Columbia to tax Federal property and, therefore does not raise a constitutional question in this regard. Further, we have concluded that section 741 is not an unconstitutional delegation of the appropriation power of Congress.

The Justice Department's constitutionality opinion makes comparisons between the Federal payment formula proposal with the Tennessee Valley Authority Act of 1933 and the Columbia River Basin Project Act. Both the latter authorize payments from proceeds of leases rather than from general funds of the U.S. Treasury as the District of Columbia Federal payment proposal would do. The Justice Department claims a closer analogy is the Atomic Energy Community Facilities Act of 1955 providing annual payments by the AEC to the Government-owned towns of Oak Ridge, Tenn., and Richland, Wash., and based upon Federal property exempt from taxation, etc.

In conclusion, Justice Department claimed Federal payment to the District would not—

> satisfy any tax obligation imposed by the District government, but pursuant to a direction of Congress, a direction which Congress is at any time free to change.

In essence, on the question of whether money can be drawn from the Treasury except "in consequence of appropriations made by law" (art. I, sec. 9, clause 7, of the Constitution), the Justice Department held (pp. 129 and 272 of the printed hearings):

> As long as the annual Federal payment to the District of Columbia is authorized by an act of Congress, is computed on the basis which Congress itself established, is certified in accordance with law, and remains subject to legislative control, it would appear to comply with the requirement that all payments of public funds be made "in consequence of appropriations made by law."

A formula approach based on the valuation of tax-exempt property of the Federal Government located in the District of Columbia, tax-exempt property of foreign governments, and others exempted by special acts of Congress, is not a new idea. It must be remembered that the House Appropriations Committee in its Report No. 211 of the 1st session, 86th Congress, filed on March 13, 1959, made reference to tax-exempt properties in computing its recommendations on the Federal payment appropriation for the 1960 fiscal year. The report states in part:

> In arriving at the recommended figure of $25 million as the Federal payment to the general fund, which is a 25-percent increase above the $20 million appropriated to date for fiscal year 1959, the committee has taken into consideration the following data submitted by the Commissioners from the table on page 17 of the hearings:

Federal Government property, if taxable	$22, 241, 125
Foreign governments (embassies, etc.), if taxable	434, 496
Miscellaneous (properties exempted by acts of Congress)	396, 332
Total	23, 071, 953

If the committee were to apply the same average increase of 9 percent in real property taxes which will result from the reassessment program, the figure noted above would be $25,148,428, or approximately the same as the $25 million recommended in the bill.

Likewise, the Senate approved H.R. 6177 on July 22, 1963, containing a Federal payment formula proposal as a provision in legislation authorizing an increase in Federal participation in meeting the costs of maintaining the Nation's Capital City. This was a formula authorization concept with appropriations remaining with the Congress.

Further, history also provides authority for a Federal payment percentage approach. From 1879 through 1920, the Federal payment to the District of Columbia was a flat 50 percent of the "General fund" appropriation. In other words, of each dollar appropriated to operate and maintain the District, the local taxpayer paid 50 cents with the remaining 50 cents being paid by the Federal Government.

In 1921 the Congress discontinued its 50-percent formula. Since that time the percentage of costs borne by the Federal Government has fluctuated from a high of 39.5 percent on "General fund" appropriations in 1924, to a low of 8.5 percent in 1954. Since 1956, the Federal payment has been slightly over 12 percent. The $37½ million Federal payment voted to the District by Congress last year is approximately 13 percent of the general fund estimate of a $297.4 million appropriation for the 1965 fiscal year to operate the District government.

It is the committee's view that a formula approach for Federal payment authorization represents a forward-looking, businesslike method. It takes into consideration the Federal Government's proper obligation to the local District of Columbia government and provides a basis for Congress to alter the formula by legislative action at any subsequent time should such formula appear excessive or inadequate.

On the amount of income taxes that would be paid if the Federal Government were a business, the Federal Government would make a payment approximately that which a business or industry of comparable size would pay in taxes. If the rate of taxation on real or personal property or on business franchises were increased or decreased, the Federal payment would be increased or decreased.

It is the committee's conclusion that enactment of the Federal payment authorization formula would be the most significant contribution to Federal-District fiscal relationships in the last half century in meeting the many problems unique to the federally controlled and congressionally governed city.

Moreover, the Federal payment formula provision represents what might be called the heart of the entire home rule proposal. It is generally considered to be a maxim that the "party holding the purse strings also is the party holding the power." Therefore, if home rule in the true sense is to be accorded to the Capital City of this Nation, its citizenry should have the vital assistance that the Federal payment formula would give while the interest of the Federal Government

would remain adequately protected by the continuing ability of the Congress to amend the formula at any time it saw fit.

Title VIII—Elections in the District

The bill continues the Board of Elections as established by the District Primary Act. Successors to the present Board after their terms have expired, would be appointed by the mayor, by and with the advice and consent of the Council, for a term of 3 years. The Board is charged with maintaining a permanent registry; conducting registrations and elections; determining appeals; provide for recording and counting votes by means of ballots or machines or both, dividing the District into 14 wards as nearly equal as possible in population and of geographic proportions as nearly regular as possible; establishing voting precincts; operating polling places, certifying election results, and other duties. The Board is given authority to prescribe such regulations as may be necessary for the purposes of the act, and the salary of each member is fixed at the rate of $1,500 per annum. Present law provides compensation for Board members at $25 per day while performing duties.

The Board of Elections, in addition to elections conducted pursuant to The District Election Act of 1955, shall conduct—

(1) A primary election to be held on the first Tuesday in May of each even-numbered calendar year commencing after this title takes effect.

(2) A general election, to be held on the first Tuesday following the first Monday in November in each even-numbered calendar year commencing after this title takes effect.

(3) Special elections and referendum elections held pursuant to sections 335(c), 602, 806, 812(b), or 812(c).

The offices to be filled by partisan election are members of the Council, the mayor, and the District Delegate. Members of the Council shall be elected for 4-year terms beginning on January 2 of the odd-numbered year following such election.

The mayor shall be elected for a 4-year term beginning on January 2 of the odd-numbered year following such election. The District Delegate shall be elected for 2 years beginning on January 3 of the odd-numbered year following such election. Members of the Board of Education would have 4-year terms.

Vacancies would be handled as follows:

(*a*) Delegate: By the mayor, with the advice and consent of the Council.

(*b*) Mayor: Filled at the next general election and before such election, the successor will be filled by appointment by the District Council.

(*c*) Council member: Appointment by the mayor with the advice and consent of the Council; except that any vacancy in any at-large Council seat, must be a member of the same political party of the person who vacated the office.

(*d*) Board of Education: Appointment by the mayor, without regard to political affiliation, with the advice and consent of the Council.

At primary elections, the candidate of each party receiving the highest vote, would be declared the winner and his name placed on the general election ballot as the candidate of his party. An exception

would be in the councilmen at large contests where three candidates of each party receiving the highest vote shall be declared winners and their names placed on the general election ballot as their party's candidates for councilman at large. No political party shall be permitted to have more than three persons as candidates to fill the five councilman at large seats, thus assuring that not more than three members of any one political party shall hold office of the five councilmen at large to be elected.

Staggered terms of office are provided for all members of the Council except the five councilmen at large, who shall be elected for 4-year terms every fourth year. Seven members of the 14 ward councilmen will be elected for 4-year terms at general elections to be held every 2 years.

Thereby the concept of minority party representation is carried out together with the advantages to be gained from having the electorate speak every 2 years.

A committee amendment to the bill provides a procedure for the recall of any elective officer of the District of Columbia by the qualified electors of the District in lieu of only the office of mayor as provided in the original bill. The petition to be filed demanding the recall by such qualified electors of any elective officer must be signed by not less than 25 percent of the number of qualified electors voting at the last preceding general election. The petition must set forth the reasons for such demand, and be filed with the secretary of the Council.

On the ballot at such election shall be printed in not more than 200 words the reason for demanding the recall of any elective officer, and in not more than 200 words, the officer's justification or answer to such demands. No petition demanding the recall of any officer shall be circulated until he has held office for a period of 6 months.

The Board of Elections is authorized to prescribe such regulations as may be necessary with respect to the form, filing, examination, amendment, and certification of petition for recall, and with respect to the conduct of any special election held for this purpose.

A qualified voter shall be a person (1) who has maintained a domicile or place of abode in the District continuously during the 6-month period ending on the day of the election; (2) who is a citizen of the United States; (3) who is on the day of the election at least 18 years old; (4) who has never been convicted of a felony in the United States, or, if he has been so convicted, has been pardoned; (5) who is not mentally incompetent, as adjudged by a court of competent jurisdiction; and (6) who certifies that he has not, within 6 months immediately preceding the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than in the District).

The bill provides that no persons shall be registered unless he shall be able to qualify otherwise as a voter on the day of the next election; he executes a registration affidavit on a form prescribed by the Board of Elections showing that he will meet on election day all the requirements of a qualified voter and if he desires to vote in a primary election, such form shall show his political party affiliation. The bill provides that the Board shall accept as evidence of registration a Federal post card application for an absentee ballot prescribed under the Federal Voting Assistance Act of 1955. If a person is not permitted to register, such person, or any qualified candidate, may

appeal to the Board of Elections, but not later than 3 days after the registry is closed for the next election. The Board shall decide within 7 days after the appeal is perfected whether the challenged voter is entitled to register. If the appeal is denied the appellant may, within 3 days after such denial, appeal to the District of Columbia Court of General Sessions. The court shall decide the issue not later than 18 days before the day of the election. The decision of such court shall be final and not appealable. If the appeal is upheld by either the Board or the court, the appeal is pending on election day, the challenged voter may cast a ballot marked "Challenged," as provided in section 811.

The bill provides for two methods of nominations: Nomination of a candidate to be included on the ballot for a primary election shall take place when the Board of Elections receives a declaration of candidacy, accompanied by the filing fee in the required amount: *provided, however,* That the candidate is duly registered as affiliated with the political party for which the nomination is sought and otherwise meets the qualifications for holding the office for which he seeks nomination. Nomination of any independent candidate who desires to have his name on the ballot in the general election shall take place when the Board of Elections receives a petition signed by the required number of registered voters and accompanied by a filing fee in the appropriate amount.

Petitions nominating an independent candidate for District Delegate or Mayor shall be signed by not less than 500 qualified voters registered in the District. The registration fee for these offices is $200. Petitions nominating a candidate for the District Council shall be signed by not less than 100 qualified voters registered in the ward from which nomination is sought. The registration fee for Council is $50. No person shall be barred from nomination as an independent canditate in the general election because he was a candidate for nomination in a primary election. No person shall be a candidate for more than one office in any election. If a person is nominated for more than one office, he shall within 3 days after the last day on which nominations may be made, notify the Board of Elections, in writing, for which office he elects to run.

Elections for all offices shall be partisan except for members of the Board of Education whose candidacies will be nonpartisan. The ballot is to show the wards from which each candidate, other than the District Delegate and Mayor, has been nominated. Each voter is entitled to vote for one candidate from the ward in which the voter is a resident and also vote for five councilmen at large, and one candidate for District Delegate, and one candidate for Mayor. Absentee voting will be permitted under regulations adopted by the Board of Elections.

The bill makes inapplicable to District elections that section of the Hatch Act which prohibits officers or employees of the executive branch of the Federal Government from taking an active part in political management or campaigns. Section 16 of the Hatch Act gave the Civil Service Commission power to permit certain political activity in the National Capital Area by Federal employees where special or unusual circumstances warranted such permission.

The committee felt that the District represents a striking example of the "unusual circumstances" anticipated in the Hatch Act. The proportion of its total population who are Federal employees is estimated to be from 10 to 15 percent. The precentage of District

residents 18 or over who are Federal employees would be about 20 percent, and of eligible electors, probably something substantially greater—possibly as high as 35 percent. Thus, to foreclose participation of such a large proportion of the population from political activity would be to deny the District one of its major civic resources and deny participation by a substantial percentage of the District's populace in its government.

Provision for challenging voters and for appeals to the Board of Elections are made. Poll watchers are authorized, and a procedure is set up pertaining to recounts parallel to that of the District Primary Act with a modification to take care of referendums. The petitioner must deposit a sum of $20 for each precinct to be recounted. The fee is refunded if the election result is changed by the recount. The petition is to the Board of Elections, and is filed by qualified candidates in the elections. In the case of referendums, since there are no candidates in a referendum, any person who voted in any election is eligible to petition the Board for a recount of votes cast on a referendum question.

Violations of any provision of this title or regulations published under its authority are declared misdemeanors and penalties are provided.

Title IX—Miscellaneous

Except where the terms of intergovernmental contracts are prescribed by other provisions of law, the District and Federal Governments are authorized to contract with each other for the rendition services in order to prevent duplication of effort and to otherwise promote efficiency and economy. Such contracts are to be negotiated by the Federal and District authorities concerned and be approved by the Director of the Bureau of the Budget and by the Mayor, by and with the advice and consent of the Council. Such contracts will provide for payment for the actual cost of furnishing such services.

The costs to each Federal officer and agency in furnishing services to the District pursuant to any such contract is to be paid out of appropriations made by the Council to the District officers and agencies to which they are furnished.

The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such contract shall be paid from appropriations made by the Congress to such Federal officers and agencies.

No member of the Council and no other officer or employee of the District shall have any financial interest direct or indirect in any contract or sale to which the District is a party.

Except for the qualifications already enumerated, no person is ineligible to serve or to receive compensation as a member of the Council or the Board of Elections because he occupies another office or position or receives compensation from another source. The right of a person to another office under the laws of the United States shall not be abridged by the fact of his service as a member of the Council or the Board of Elections if such service does not interfere with the discharge of his duties in the other office.

The U.S. Civil Service Commission is authorized to render advice and assistance to the new government in the development of a merit system.

TITLE X—SUCCESSION IN GOVERNMENT

Whenever the functions of any existing agency or officer are transferred under the bill, the personnel (except the members of Boards or Commissions abolished by the bill), property, records, and unexpended balances of appropriations which relate to the functions are also transferred. Provision is made for the settling of disputes which may arise out of such transfers.

Any statute, regulation, or other action relating to any officer or agency from which any function is transferred by the bill shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made. No pending judicial or administrative action shall abate by reason of the provisions of the bill becoming effective, but such actions shall continue with appropriate substitutions of parties.

The purpose underlying this title is to provide continuity in the transfer of existing personnel, property, and funds; to continue in effect present statutes and regulations; and to provide for orderly disposition of pending actions and proceedings.

TITLE XI—SEPARABILITY OF PROVISIONS

This title provides that, should a part of the act be held invalid, the remainder of its provisions shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

The President of the United States is authorized and requested to take such action during the transition period between the enactment of the bill and the first meeting of the Council as he deems necessary to enable the Board of Elections properly to perform its functions. The sum of $750,000 is authorized to be appropriated to the District to pay the expenses of the Board of Elections and in otherwise carrying into effect the provisions of the bill. The full amount of expenditures made under this authorization shall be reimbursable by the District to the United States without interest, during the second fiscal year which begins after the effective date of title V.

TITLE XIII—EFFECTIVE DATES

The charter (titles I to XI, inclusive, and titles XV, XVI, XVII, and XVIII) shall take effect on the day following the date on which it is accepted in the charter referendum provided by title XIV, except as provided in section 1406. (Pt. 2 of title III provides that certain agencies abolished by the act may continue to operate for a period of 180 days after the effective date of this title unless within such period the District Council shall otherwise direct.)

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

The bill provides that on a date to be fixed by the Board of Elections, not more than 4 months after the enactment of the act, a referendum shall be conducted to determine whether the registered qualified voters of the District accept the charter. The Board of Elections established under the District Election Act of 1955, is charged with conducting the charter referendum and certifying the results thereof. Provision

is made for the form of ballot to be used in the referendum and for the method of voting. If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be accepted as of the time the Board of Elections certifies the result of the charter referendum to the President. Also, the Board of Elections within 30 days after the date of the charter referendum, shall certify the result of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

Title XV—Delegate

The bill provides for a Delegate from the District of Columbia to the House of Representatives. He shall have the right of debate, may make any motion, except to reconsider, shall be a member of the House Committee on the District of Columbia, but may not vote, which is the same status as the Territorial Delegate. His term of office shall be for 2 years. No person shall hold the office of District Delegate unless he (1) is a qualified voter; (2) is at least 25 years old; (3) holds no other public office; and (4) is domiciled and resides in the District, and during the 3 years next preceding his nomination (*a*) has been a resident in and domiciled in the District, and (*b*) has not voted in any election (other than in the District) for any candidate for public office. The bill amends several statutes relating to a Territorial Delegate and the Federal Corrupt Practices Act, to make them applicable to the District Delegate. The Delegate is to be elected as provided in title VIII.

Title XVI—Board of Education

S. 1118, as it was introduced, abolished the Board of Education, and thereby provided the District Council complete discretion in determining the future organization of the Board. The committee approved an amendment to S. 1118 which provides for the Board of Education to be elected directly by the people.

Under the amendment, as approved, elections for members of the Board of Education would be nonpartisan. The Board would consist of 14 members, with 1 member elected from each of the 14 wards, for terms of 4 years each. As provided in section 803(e), seven members would be elected every 2 years, thus assuring continuity—of experience on the Board and attentiveness to the wishes of the electorate. The amendment, as approved by the committee, does not provide the Board of Education with any independent taxing or borrowing authority. The Board would be required to seek approval of its budget from the District Council as in the case of any other municipal agency.

It was the intent of the committee that the public school system of the District of Columbia shall continue to be under the control of the Board of Education as under prior law. It was the further intent of the committee that the Board of Education shall continue to exercise its control in accordance with the provisions of laws applicable to the school system which existed immediately prior to the date of enactment of this act until such time as such laws are changed by the District Council, the qualified voters, or the Congress, in which case the Board of Education shall exercise its control in accordance with such laws as changed.

The purpose of this amendment is to secure the direct responsiveness of the electorate on matters of educational policy that the direct election of individual school board members would achieve.

TITLE XVII—INITIATIVE

The committee amended the bill to provide initiative powers. Subject to the provisions of section 324 of the bill, the qualified voters are given the power, independent of the Mayor and Council, to propose and enact legislation relating to the District with respect to all rightful subjects of legislation not inconsistent with the Constitution or with the laws of the United States which are applicable but not confined to the District.

In exercising the power of initiative, not more than 10 percent of the number of qualified voters voting in the last preceding general election shall be required to propose any measure by initiative petition. The method for holding elections under the initiative procedure is set forth in this title.

TITLE XVIII—TITLE OF ACT

Provides that this act, divided into titles and sections according to the table of contents, and including the declaration of congressional policy, which is a part of such act, may be cited as the "District of Columbia Charter Act."

SUPPLEMENTAL VIEWS OF SENATOR DOMINICK

I want to make it clear at the outset that I support the principle of home rule for the District of Columbia. I have taken an active interest in this bill and similar legislation before the committee while I have served on the Committee for the District of Columbia. In fact, it was I who moved to report S. 1118, as amended, to the floor of the Senate. The committee adopted several amendments which have strengthened the bill immeasurably. I intend to support the bill and vote for it; but in the interest of seeking the best sort of bill and one that will pass both bodies and eventually be enacted into law, I feel it is incumbent upon me to offer some constructive comments which will work toward that end.

I was pleased that the committee saw fit to adopt an amendment to retain some degree of autonomy for the School Board. Earlier this year I introduced a bill to create a truly independent School Board. The committee saw fit to adopt some of the features of this proposal including an elective School Board from wards in a nonpartisan election. I urged the committee to go a step further and provide the School Board with a method of financing with which it would have avoided becoming embroiled with the politically elected Mayor and Council. Such a system has worked well in Colorado and in several other States and would provide the District with the machinery to upgrade and improve its schools free from political considerations.

I would prefer to have the mayor and Council elections conducted on a nonpartisan basis. The hearings record made it clear that this is the trend throughout the country in municipal elections. S. 268, introduced by Senator Morse, seemed much more preferable in this respect. In a similar vein, I do not agree with the wisdom of exempting Federal employees from the provisions of the Hatch Act in District elections. If we do this, then how can we deny exemptions to Federal employees elsewhere in the Nation who live in areas densely populated by Federal employees? In fact, Senator Tydings introduced an amendment extending this exemption to Federal employees living in certain Maryland counties adjacent to the District. This amendment was rejected by the committee. Section 16 of the Hatch Act already gives the Civil Service Commission the authority to exempt Federal employees where there are special or unusual circumstances. In effect we are being asked to exercise the authority given to the Civil Service Commission for Federal employees in the District although the Commission has thus far been unwilling to do so.

Perhaps my most serious concern with the bill as presently written is with the section providing for the Federal payment. I recognize that the District of Columbia, as a Federal City and as the Nation's Capital, is in a unique category. Certainly the Federal Government has an obligation to assist the local government and provide some additional revenues as needed. But part 4 of title VII of this bill provides a built-in, automatic Federal payment to the District. It

completely dispenses with an annual authorization or an annual appropriation and provides a payment, as if the Federal Government were a taxpayer, regardless of the District's financial needs. In fact, the financial needs of the District are not even considered in the payment formula.

I offered and the committee accepted an amendment to section 741 which at least gives the Administrator of General Services the power to determine that the request for Federal payment is based upon a reasonable and fair assessment of real and personal property of the United States. But even so, the formula seems to me to be most impractical and fraught with pitfalls. For example, it is difficult, if not impossible, to agree on a reasonable and fair assessed valuation of the U.S. Capitol and the personal property contained therein. Assessed value is, of course, based upon an initial valuation either determined by market value, replacement cost, or cost less depreciation. All of these methods of valuation involve a substantial judgment factor and the District Assessor's Office will be making the judgment. It is true that Congress can by passing a law override this judgment; but make no mistake about it, once the local government gets a "lock" on these revenues plus what the Federal Government would be paying in taxes if it were a business, we will have to move heaven and earth to overturn a disagreeable assessment. I suggest that such a Federal payment based on a fixed formula and not on demonstrated District financial needs will not be an incentive to the District to utilize local taxes. Indeed, it very well could have the opposite effect of the local government looking to the Federal payment first and then adjusting other local taxes accordingly to meet the local needs. We must remember that what we do here in the U.S. Congress receives national publicity and is sometimes used as a model in the States. I imagine that the local governments in cities where various State capitols are located might wish to press for comparable authority for payments in lieu of taxes on a State level. In any event such a precedent could very well promote a pyramiding of taxing authority upon taxing authority and seriously undermine the concept of tax exemption for governmental entities.

Finally, the Federal payment formula will set a dangerous and far-reaching precedent for States and localities where there are large Federal property holdings. Those of us who come from the so-called public lands States are acutely aware of the drive to levy in lieu of taxes on Federal property. For instance, we have States like Alaska where the Federal Government owns over 98 percent of all the land in the State. There are examples where a certain percentage of the revenues from Federal lands are turned back to the States or counties, but nowhere is there a situation where not only are payments made in lieu of real and personal property taxes on Federal property but also payments based upon hypothetical business income and related taxes as well. I think that the Federal payment provision in the bill is not wise and certainly will hamper eventual passage of the bill.

PETER H. DOMINICK.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

62 Stat. 339

[There is hereby established an Armory Board, to be composed of the President of the Board of Commissioners of the District of Columbia, the Commanding General of the District of Columbia Militia, and a third person not employed by the Federal or District Governments who shall be appointed by the Chairmen of the District of Columbia Committees of the United States Senate and the United States House of Representatives for a term of three years.]

There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor. Each member of the Armory Board is authorized to appoint, and in his discretion to withdraw the appointment of, an alternate and to delegate to such alternate authority to act in his place and stead in respect of the powers granted by this chapter. The members of said Board and their alternates shall serve without additional compensation. Said Armory Board shall elect a chairman from among its members.

(60 Stat. 790)

(a) [The District of Columbia Redevelopment Land Agency is hereby established and shall be composed of five members. Two members shall be appointed by the President and three members shall be appointed by the District Commissioners, subject to confirmation by the Senate. One of the Presidential appointees may be an official of the United States Government; one appointee of the District Commissioners may be an official of the District of Columbia Government. Each nonofficial appointee shall have been a resident of the District of Columbia for at least the five next preceding years, and shall have been engaged or employed during such time in private business or industry, or the private practice of a profession, in the District of Columbia. The terms of members shall be for five years, except that the first appointment of one of the Presidential appointees shall be for three years and the other for five years; one of the first appointments of the District Commissioners shall be for four years, one for two years, and one for one year: *Provided*, That in the event any member shall cease to hold the official position held by him at the time of his designation or appointment, such cessation shall be deemed to create a vacancy in his membership on the Agency, such vacancy, as well as all vacancies from other causes, to be filled by designation or appointment by the President or District Commissioners for the unexpired term. The members shall receive no salary as such, but those members who hold no other salaried public position shall be paid a per diem of $20 for each day of service at meetings or on the work of the Agency.] *The District of Columbia Redevelopment Land Agency is hereby established and shall be composed of five members who*

shall be a resident of the District of Columbia and at advice and consent of the Council. Each appointee shall be a resident of the District of Columbia and at least three members shall be engaged or employed during tenure of office in private business or industry or the private practice of a profession therein. Appointees shall serve at the pleasure of the Mayor. The members shall receive no salary as such, but those members who hold no other salaried public position shall be paid a per diem of $20 for each day of service at meetings or on the work of the Agency and may be reimbursed for any expenses legitimately incurred in the performance of such service or work.

(42 Stat. 20)

When used in this chapter and sections 71, 471, 581, and 581a of this title—The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any independent regulatory commission or board [and the municipal government of the District of Columbia], but do not include the legislative branch of the Government or the Supreme Court of the United States;

The term "the Budget" means the Budget required by section 11 of this title to be transmitted to Congress;

The term "bureau" means the Bureau of the Budget;

The term "director" means the Director of the Bureau of the Budget; and

The term "deputy director" means the Deputy Director of the Bureau of the Budget.

The term "appropriations" includes, in appropriate context, funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure.

(16 Stat. 419)

[That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.]

(20 Stat. 102)

PRESENT ORGANIC ACT, § 1

[That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act. The District of Columbia shall remain and continue a municipal

corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.]

(U.S.C., 1946 edition, title 31, sec. 2)

SEC. 2. DEFINITIONS. When used in sections, 1, 2, 11, 13–24, 41–43, 44–47, 49, 52–55, 71, 471, and 581 of this title—The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any independent regulatory commission or board [and the municipal government of the District of Columbia], but do not include the legislative branch of the Government or the Supreme Court of the United States;

(53 Stat. 1147; 54 Stat. 771)

SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in *the District of Columbia or* any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia, or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this Act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality, or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates [from the Territories], and the Resident Commissioner from Puerto Rico shall be at the rate of $22,500 per annum each; and the compensation of the Speaker of the House of Representatives shall be at the rate of $35,000 per annum each.

PUBLIC LAW 854—JULY 31, 1956 (70 STAT. 743)

CIVIL SERVICE RETIREMENT

SEC. 401. The Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

"DEFINITIONS

"SECTION 1. Wherever used in this Act—

"(a) The term 'employee' shall mean a civilian officer or employee in or under the Government and, except for purposes of section 2, shall mean a person to whom this Act applies.

"(b) The term 'Member' shall mean the Vice President, a United States Senator, Representative in Congress, Delegate [from a Territory], or the Resident Commissioner from Puerto Rico, and, except for purposes of section 2, shall mean a Member to whom this Act applies."

(2 U.S.C., sec. 37; 38 Stat. 458)

HOUSE OF REPRESENTATIVES

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Puerto Rico, and the Resident Commissioners from the Philippine Islands, $3,304,500.

The salaries of Representatives in Congress, Delegates [from Territories], and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before.

(2 U.S.C., sec. 241; 43 Stat. 1070)

SEC. 302. * * *

(i) The term "State" includes Territory and possession of the United States *and the District of Columbia.*

(18 U.S.C., sec. 591; 62 Stat. 719)

SEC. 591. DEFINITIONS

* * * * * * *

The term "State" includes Territory and possession of the United States *and the District of Columbia.*

SEC. 594. INTIMIDATION OF VOTERS

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions *or the District of Columbia.*

SEC. 595. INTERFERENCE BY ADMINISTRATIVE EMPLOYEES OF FEDERAL, STATE, OR TERRITORIAL GOVERNMENTS

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or possession *or the District of Columbia,* shall be fined not more than $1,000 or imprisoned not more than one year, or both.

○